IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4894 of 2007()

CRIME NO.1148/07 OF S.I OF POLICE TRAFFIC UNIT, PERUMBAVOOR POLICE STATION

: PETITIONER/ACCUSED

HUSSAN, S/O.BEERAVU, PATTARUMADAM
VEEDU, KANDANTARA, VENGOLA KARA,
VENGOLA VILLAGE, PERUMBAVOOR.

BY ADV. SRI.K.V.SOHAN

RESPONDENTS:

STATE OF KERALA,
S.I. OF POLICE TRAFFIC UNIT,
PERUMBAVOOR (CRIME NO.1148/2007)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4894 of 2007

Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. On receipt of discreet prior information, the officials conducted a search of the residential premises of the petitioner and seized 450 litres of kerosene from such premises. Crime has been registered under Section 3 & 7 of the Essential Commodities Act. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has not committed violation of any provisions of the Essential Commodities Act. The entire quantity of 450 litres of kerosene was in the possession of the petitioner for his personal use, it is suggested.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner has no authority to keep in his possession 450 litres of kerosene. The contention that the entire quantity was for the petitioner's personal use is without any basis, submits the learned Public Prosecutor .

4. I find merit in the opposition by the learned Public Prosecutor . I find no features available in this case which can justify

the invocation of jurisdiction under Section 438 Cr.P.C. This, I am satisfied, is a fit case where the petitioner must resort to the ordinary and normal course of appearing before the Investigating Officer or the learned Magistrate and then seek regular bail in the ordinary course.

5. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-